

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

OFFICE MEMORANDUM

DATE:

March 5, 2002

Weddeler C & D Landfill File (IIC1c)

Thru: Jerry Rud

Tom Linson

Bruce Palin BAG3

Bill Divine

FROM:

Rick Phillips

Lake County

RE:

Permit Renewal Status

Upon further review of the permit renewal for the above referenced facility, received by the Department on February 7, 1997, it has been determined to be in the best interest of all parties involved to administratively extend the current permit indefinitely. This determination of not issuing a final permit renewal decision is based on the facts that the facility:

- no longer requires an operating permit since it is at capacity and no longer accepting waste materials:
- has a history of noncompliance with previous permit conditions which supports a denial of the permit renewal;
- is currently doing groundwater monitoring on a regular basis and groundwater monitoring would be the major requirement if the permit were to be renewed;
- is currently in the process of appealing a Commissioner's order that is requiring the establishment of financial assurance for closure and post-closure with an adjustment for groundwater monitoring.

Indiana Office of Environmental Adju

Wayne E. Penrod Chief Administrative Law Judge

150 West Market Street Suite 618 Indianapolis, IN 46204 Telephone 317-232-8591 Fax 317-233-0851

STATE OF INDIANA	rax 317-233-0
COUNTY OF MARION)	BEFORE THE INDIANA OFFICE OF ENVIRONMENTAL ADJUDICATION
IN THE MATTER OF:)
COMMISSIONER, INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,)) CAUSE NO. 01-S-E-2757
Complainant,)
Vs.))
R & M ENTERPRISES D/B/A FEDDELER LANDFILL,	
Respondent.))

ORDER SCHEDULING PREHEARING CONFERENCE

This is notice that a prehearing conference has been scheduled for August 8th, 2001, at 3:00 p.m., in the Office of Environmental Adjudication Conference Room 618, 150 West Market Street, Indianapolis, IN 46204. The purpose of the prehearing conference is to:

- (1) Explore settlement possibilities. Indiana Code §4-21.5-3.5 authorizes the use of mediation in administrative proceedings. The parties are urged to seriously consider the potential benefits of mediation in this proceeding. Please be prepared to discuss the use of mediation during the prehearing conference.
- (2) Set discovery deadlines. Including dates to exchange witness and exhibit lists. Witnesses or exhibits discovered after the exchange of lists shall be furnished forthwith upon such discovery.
- (3) Set dates for filing dispositive motions and/or amendments. If you have filed a Petition for Administrative Review that does NOT conform to the following standard:
 - (a.) State the name and address of the person making the request.
 - (b.) Identify the interest of the person making the request.

- (c.) Identify any persons represented by the person making the request.
- (d.) State with particularity the reasons for the request.
- (e.) State with particularity the issues proposed for consideration at the hearing.
- (f.) Identify the permit terms and conditions that, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing permits of the type granted or denied by the commissioner's action.

you may be required to submit an amendment to your petition. If you know your petition does not follow the above requirements, please amend your petition immediately by simply filing a document entitled "Amended Petition for Administrative Review" that includes the above information.

- (4) Set a date for stipulations to be entered, with parties stipulating to the fullest extent possible the issues, undisputed facts, authenticity and admissibility of exhibits, and any and all other matters which will expedite the hearing by reducing formal proof.
- (5) Set a date for final hearings or future prehearing conferences. Please be advised that ten (10) days before your final hearing date, you will be ordered to meet with all parties to pre-mark exhibits and agree upon stipulations.

You also have the option of having the prehearing conducted by telephone. To do this, contact the other parties and secure their agreement to conduct the prehearing conference by telephone. If a party cannot be reached, advise this office and obtain permission from the assigned judge. The party requesting the telephonic prehearing conference has the obligation of initiating the necessary phone calls (typically, a party should have all the other parties on the telephone before contacting the judge).

A party who fails to participate in the prehearing conference, the hearing, or any other later stage of this proceeding may be held in default or may have the proceeding dismissed. A party must file all documents and pleadings with this office and all parties identified on the Certificate of Service. Failure to do so may result in the judge not considering your document or pleading.

Information concerning hearing schedules and procedures may be obtained by calling the Office of Environmental Adjudication at (317) 232-8591.

IT IS SO ORDERED in Indianapolis, Indiana this 27

_ day of July, 2001

Wayne E. Henrod, Chief Administrative Law Judge

CERTIFICATE OF SERVICE

Kathleen Mills, Esq.
Office of Legal Counsel
Indiana Department of
Environmental Management
100 N. Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015

Larry J. Kane, Esq. Bingham Summers Welsh & Spilman, LLP 2700 Market Tower 10 West Market Street Indianapolis, IN 46204-4900

Wayne E. Penrod, Chief Administrative Law Judge

cc: Mary Beth Tuohy, Assistant Commissioner Office of Land Quality



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon Governor

Lori F. Kaplan
Commissioner

April 6, 2001

100 North Senate Avenue P.O. Box 6015 Indianapolis, Indiana 46206-6015 (317) 232-8603 (800) 451-6027 www.state.in.us/idem

VIA CERTIFIED MAIL # 7000 0600 0026 8293 3754 Mr. Larry Kane Bingham Summers Welsh & Spillman 2700 Market Tower 10 West Market Street Indianapolis, IN 46204-4900

Re:

Proposed Agreed Order and Document Request

Case No. 2000-9610-S

Dear Mr. Kane:

In response to our meeting on March 30, 2001, I am requesting the following information be submitted to my attention by April 23, 2001. First, I am enclosing information on applying for inability to pay the civil penalty. Please submit the information listed in the document. Secondly, in response to the financial assurance violation, attempts are to be made to obtain financial assurance for the post closure costs, and documentation of those attempts are to be provided. Included in the post closure amounts should be the estimate obtained for the ground water monitoring required in the facility Permit #45-08. Third, please send a letter stating the last date waste was accepted at the landfill. In addition to these requests there are also issues regarding fees associated with the facility that need to be paid, specifically the third and fourth quarter solid waste tonnage fees for 2000, annual operation fees for 2000, and solid waste disposal fees for 1999 and 2000. These issues will also need to be addressed.

I am also enclosing a proposed Agreed Order addressing the violations contained in the Notice of Violation issued on October 26, 2000. Please review the proposed Agreed Order and let me know any changes or concerns you may have within fifteen (15) days upon your receipt of this letter. Inability to pay information will be factored in after I have had an opportunity to review it.

If we do not receive your response regarding this matter within the fifteen (15) day time frame noted above, the Commissioner can issue an order pursuant to IC 13-30-3-4 containing the actions you must take to achieve compliance, the required time frames, and an appropriate civil penalty.

Please contact me if you have any questions at (317)233-3831.

Sincerely,

Jennifer Andres

Solid Waste - UST Section

Office of Enforcement

Jennify andres

Enclosures

Indiana Department of Environmental Management

Demonstration of Inability to Pay

Identification Number:

Date Originally Adopted: Not Available

Date Revised:

Other Policies Repealed or Amended: None

Brief Description of Subject Matter: Guidance for determining inability to pay.

Citations Affected:

File Last Modified: Fri, Oct 24 '97 - 01:51 PM EST

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace laws, and if it conflicts with these laws, the laws shall control. A revision to this nonrule policy document may be put into effect by IDEM once the revised nonrule policy document is made available for public inspection and copying. IDEM will submit revisions to the Indiana Register for publication.

Demonstration of Inability to Pay

The Indiana Department of Environmental Management may consider mitigation of a civil penalty upon the adequate demonstration by the party of interest that is not financially capable of paying the full amount of the assessed civil penalty.

In order for the IDEM to make a determination as to the appropriateness of penalty mitigation, the following information must be submitted:

- Federal tax returns for the last five (5) years.
- Financial statements for the last five (5) years including income statements, balance sheets, and statements of cash flow.
- Annual financial reports for the last five (5) years.
- List of all assets with corresponding fair market values.

Should a Respondent, for any reason, be unable to provide all or any part of the above information, a written explanation as to why this information cannot be made available must accompany the information submitted to the IDEM case manager.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Frank O'Bannon Governor

Lori F. Kaplan Commissioner 100 North Senate Avenue P.O. Box 6015 Indianapolis, Indiana 46206-6015 (317) 232-8603 (800) 451-6027 www.state.in.us/idem

STATE OF INDIANA)		BEFORE THE INDIANA DEPARTMENT
COUNTY OF MARION)	SS:	OF ENVIRONMENTAL MANAGEMENT
COMMISSIONER OF THE OF ENVIRONMENTAL M)
Comp	lainant,)
v.) CASE NO. 2000-9610-S
R&M ENTERPRISES, D.B. LANDFILL,	A. FEDDI	ELER)))
Respo	ndent.		j ·

AGREED ORDER

The Complainant and the Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order.

I. FINDINGS OF FACT

- 1. Complainant is the Commissioner (hereinafter referred to as "Complainant") of the Indiana Department of Environmental Management, a department of the State of Indiana created by IC 13-13-1-1.
- 2. Respondent is R&M Enterprises, d.b.a. Feddeler Landfill (hereinafter referred to as "Respondent"), Permit #45-08, located at 18505 Clark Road, Lowell, Lake County, Indiana (the "Site").
- 3. The Indiana Department of Environmental Management ("IDEM") has jurisdiction over the parties and subject matter of this action.

R&M Enterprises, Inc., d.b.a. Feddeler Landfill Case Number 2000-9610-S Page 2

4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation via Certified Mail on October 26, 2000, to:

Robert W. Feddeler, President R&M Enterprises d.b.a. Feddeler Landfill 18501 Clark Road Lowell, IN 46356

- 5. IDEM conducted inspections at the Site on May 14, 1999, July 19, 2000, August 28, 2000, and September 1, 2000.
- 6. During the above noted inspections, the following violations were observed:
 - A. Pursuant to 329 IAC 10-14-1(c), a quarterly tonnage report of solid waste received at the solid waste land disposal facility must be submitted to the commissioner by the owner, operator, or permittee of that facility unless the owner, operator, or permitted has ceased accepting solid waste for a period of at least one (1) calendar quarter and has sent written notification indicating the initiation of final closure. Quarterly tonnage reports have not been submitted in a timely manner.
 - B. Pursuant to 329 IAC 10-36-4(c), windblown materials and litter must be collected and buried daily. Windblown materials must be controlled by effective means so that they do not constitute or contribute to a nuisance. On the August 28, 2000, and September 1, 2000, inspection dates, windblown litter was observed at the Site.
 - C. Pursuant to Facility Permit #45-08, Permit Condition A17, windblown litter shall be collected daily. On the August 28, 2000, and September 1, 2000, inspection dates, windblown litter was observed at the Site.
 - D. Pursuant to 329 IAC 10-36-10, a construction/demolition site must not deposit solid waste in standing or ponded water except for that water resulting from precipitation directly upon the working face. On the August 28, 2000, and September 1, 2000, inspection dates, waste was found in standing water.
 - E. Pursuant to Facility Permit #45-08, Permit Condition A13, solid waste shall not be deposited in standing or ponded water, except for water resulting from precipitation directly upon the working face. On the August 28, 2000, and September 1, 2000, inspection dates, waste was found in standing water.

R&M Enterprises, Inc., d.b.a. Feddeler Landfill Case Number 2000-9610-S Page 3

- F. Pursuant to 329 IAC 10-36-14(a), cover material applied as required in sections 11 through 13 of this rule and 329 IAC 10-37 must be continuously maintained, including application and compaction of additional cover as needed to maintain required depth. On the July 19, 2000, August 28, 2000, and September 1, 2000, inspection dates, cover was not being maintained and was inadequate on areas of the Site.
- G. Pursuant to 329 IAC 10-36-14(b), a grass or ground cover crop must be established and maintained continuously as soon as weather permits and seasonal conditions are suitable on any portion of the construction/demolition site that has received final cover except where other provisions for land use have been approved by the commissioner. On the July 19, 2000, August 28, 2000, and September 1, 2000, inspection dates, vegetation was inadequate on areas of the Site.
- H. Pursuant to 329 IAC 10-36-15(a) and (b), any leachate on the surface of a construction/demolition site must be immediately managed or controlled to prevent off-site migration. Any surface movement of leachate past a point of fifty (50) feet outside of the solid waste boundary is prohibited except as specified in the facility permit. On the August 28, 2000, and September 1, 2000, inspection dates, leachate leaks were observed migrating off-site.
- I. Pursuant to Facility Permit #45-08, Permit Condition A9, any leachate seeps on the surface of the site shall be immediately managed to prevent off-site migration. Any surface movement of leachate past a point of fifty (50) feet outside of the approved solid waste boundaries is prohibited. On the August 28, 2000, and September 1, 2000, inspection dates, leachate leaks were observed migrating off-site.
- J. Pursuant to 329 IAC 10-36-17 (a), prior to accepting a shipment of municipal waste from a transfer station located inside or outside of Indiana, a construction/demolition site must receive a copy of a manifest and must review the manifest to determine whether the items listed under 329 IAC 11-15-3 are included on the manifest. During the May 14, 1999 inspection, you failed to provide manifest records for the construction/demolition waste which was generated by Ravenswood Disposal Service, a transfer station, located in Illinois.
- K. Pursuant to 329 IAC 10-36-17 (b), a construction/demolition site must not knowingly accept a shipment of municipal waste from a transfer station located inside or outside of Indiana if: (1) the municipal waste is not accompanied by a manifest that contains the information required under 329 IAC 11-15-3. During

- the May 14, 1999 inspection, you failed to provide manifest records for the construction/demolition waste which was generated by Ravenswood Disposal Service, a transfer station, located in Illinois.
- L. Pursuant to 329 IAC 10-39-2(a), a permittee shall establish financial responsibility for closure of the solid waste land disposal facility. Respondent does not have financial responsibility for the Site.
- M. Pursuant to 329 IAC 10-39-3 (a)(2)(B), the permittee shall establish financial responsibility for post-closure care of the solid waste land disposal facility. Respondent does not have financial responsibility for the Site.
- N. Pursuant to 329 IAC 11-21-3, all transfer stations, other than those excluded under 329 IAC 11-2-47, that haul or ship municipal waste to an Indiana solid waste management facility must hold a valid permit under this article if located in Indiana. Transfer station activities have occurred at the Site without a valid permit.
- O. Pursuant to the Facility Permit # 45-08, Permit Condition D6, the permitte shall submit, along with ground water quality results, a ground water flow direction map and/or potentiometric contour map of the aquifer(s) being monitored at the site to OLQ (formerly OSHWM) on a semiannual basis. Groundwater flow direction maps and/or potentiometric contour maps were not submitted to IDEM for June 1998, June 1999, and December 1999.
- P. Pursuant to the Facility Permit #45-08, Permit Condition D10, all ground water monitoring wells which constitute the facility's permanent ground water monitoring well system shall have water quality samples taken and tested individually on a semiannual basis during June and December. Sampling shall be conducted during each of these months and the water quality results shall be submitted to OLQ (formerly OSHWM) within sixty (60) days of sampling. Groundwater monitoring did not occur and groundwater quality results were not submitted to IDEM for June 1998, June 1999, and December 1999.
- Q. Pursuant to the Facility Permit #45-08, Permit Condition D11, ground water monitoring shall be conducted throughout the active life and the post-closure care period of the facility. Groundwater monitoring did not occur and groundwater monitoring quality results were not submitted to IDEM for June 1998, June 1999, and December 1999.
- R. Pursuant to IC 13-20-21-8, solid waste annual operation fees begin accruing January 1 of each year and are due not more than thirty (30) days after the date the

fees are assessed or on the date the installment is due. Annual operation fees for the Site have not been paid for the year 2000.

- S. Pursuant to IC 13-20-21-9, solid waste disposal fees must be paid by all solid waste disposal facilities, including construction/demolition disposal facilities. The solid waste disposal fees for the years 1999 and 2000 have not been paid by the due date of March 15, 2000.
- T. Pursuant to IC 13-30-2-1(1), a person may not discharge, emit, cause, allow, or threaten to discharge, emit, cause or allow any contaminant or waste into the environment in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the appropriate board under the environmental management laws. A contaminant was allowed to be discharged into the environment.
- 7. In September, 2000, Feddeler Landfill stopped accepting waste.
- 8. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

- 1. This Agreed Order shall be effective ("Effective Date") when it is approved by the Complainant or her delegate, and has been received by the Respondent. This Agreed Order shall have no force or effect until the Effective Date.
- 2. Respondent shall, pursuant to 329 IAC 10-39-2(a) and 329 IAC 10-39-3(a)(2)(B), immediately obtain financial assurance for closure and post closure costs at the Site. The post closure financial assurance amount shall reflect an adjustment for groundwater monitoring costs associated with post closure activities.
- 3. Respondent shall, within fifteen (15) days of the Effective Date of this Agreed Order, submit 3rd and 4th quarter solid waste tonnage reports for 2000.
- 4. Respondent shall, within fifteen (15) days of the Effective Date of this Agreed Order, submit manifests for waste received from the Ravenswood Disposal Service Transfer Station.
- 5. Respondent shall, within thirty (30) days of the Effective Date of this Agreed Order, pay the annual operation fees for 2000.

- 6. Respondent shall, within thirty (30) days of the Effective Date of this Agreed Order, pay the solid waste disposal fees owed for 1999 and 2000 and submit the semi-annual disposal report associated with the fees.
- 7. All submittals required by this Agreed Order, unless notified otherwise in writing, shall be sent to:

Jennifer Andres, Enforcement Case Manager Office of Enforcement Indiana Department of Environmental Management 100 North Senate Avenue P.O. Box 6015 Indianapolis, Indiana 46206-6015

- 8. Respondent is assessed a civil penalty of \$54,750.00. Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date of this Agreed Order.
- 9. In the event the following terms and conditions are violated, the Complainant may assess and the Respondent shall pay a stipulated penalty in the following amounts:

ViolationPenaltyOrder Condition #3\$100 per week submittal is lateOrder Condition #4\$100 per week submittal is late

- 10. Stipulated penalties shall be due and payable within thirty (30) days after Respondent receives written notice that the Complainant has determined a stipulated penalty is due. Assessment and payment of stipulated penalties shall not preclude the Complainant from seeking any additional relief against the Respondent for violation of the Agreed Order. In lieu of assessment of any of the stipulated penalty given above, the Complainant may seek any other remedies or sanctions available by virtue of Respondent's violation of this Agreed Order, or Indiana Law, including but not limited to civil penalties pursuant to IC 13-30-4.
- 11. Civil and stipulated penalties are payable by check to the Environmental Management Special Fund. Checks shall include the Cause Number of this action and shall be mailed to:

Cashier
IDEM
100 North Senate Avenue

R&M Enterprises, Inc., d.b.a. Feddeler Landfill Case Number 2000-9610-S Page 7

> P.O. Box 7060 Indianapolis, Indiana 46207-7060

- 12. In the event that the civil penalty required by Order Condition 8 is not paid within thirty (30) days of the Effective Date of this Agreed Order, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall continue to accrue until the civil penalty is paid in full.
- 13. This Agreed Order shall apply to and be binding upon the Respondent, its officers, directors, principals, agents, successors, subsidiaries, and assigns. The Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this document and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Agreed Order.
- 14. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if the Agreed Order did not contain the invalid terms.
- 15. The Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
- 16. This Agreed Order shall remain in effect until Respondent has complied with all terms and conditions of this Agreed Order.

R&M Enterprises, Inc., d.b.a. Feddeler Landfill Case Number 2000-9610-S Page 8	•
TECHNICAL RECOMMENDATION:	RESPONDENT:
Department of Environmental Management	TOOL ON DELVI.
By: Tank Thyrotak	Ву:
Paul Higginbotham, Chief	
Solid Waste Section Office of Enforcement	Printed:
Office of Enforcement	Title:
Date: 3/5/0/	Date:
COUNSEL FOR COMPLAINANT:	COUNSEL FOR RESPONDENT:
Department of Environmental Management	
By: Michael J. Pyron	
Office of Legal Counsel	Ву:
Department of Environmental Management	
-	
Date: 3/ c/2001	Date:
• •	
APPROVED AND ADOPTED BY THE INDIA MANAGEMENT THIS DAY OF _	NA DEPARTMENT OF ENVIRONMENTAL , 2001.
	For the Commissioner:
	Felicia A. Robinson
	Assistant Commissioner
	Office of Enforcement

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OFFICE OF ENFORCEMENT ROUTING SHEET ASSISTANT COMMISSIONER'S APPROVAL

То:	$\underline{\mathscr{W}}$	Felicia A. Robinso Assistant Commis	,		Thru:	11/3/5/01 3/6/01	Section OLC At			
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	-	_	ator is particularly interesta fore NOV is signed by Assi	•		Director o	f Busine:	ss and Leg	islative	
		Business	& Legislative Relations D	irector	yes		no		late	
From:		Jennifer Andres Office of Enforce	ment							
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٠		Other (describe)_								
RESPO	ONDENT	ΓNAME: R&M E	nterprises, Inc. d.b.a. Fedde	eler Constru	ction					
LOCA	TION O	F VIOLATION (c	ity & county): 18501	Clark Road	l, Lowell, 46	356				
10-36-4 10-39-2	4(c), 329 2(a), 329	IAC 10-36-10, 329 IAC 10-39-3 (a), 3	N(S) (list rules & brief des PIAC 10-36-14(a), 329 IAC 29 IAC 11-21-3, IC 13-20-2 A17, Permit Condition A18,	21-8, IC 13	b), 329 IAC -20-21-9, IC	10-36-15(t 13-30-2-1	o), 329 IA (1), Perm	C 10-36-1 it Conditio	7(a)(b), 329 IA n A9, Permit	С
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Please return to: Jennifer Andres

3/24/00

Settlement Conference Case Number 2000-9610-S R&M Enterprises d.b.a. Feddeler Landfill March 30, 2001

Name	Organ	ization/Phone Number
1_ Jenne For andus	IDEM DE	(317)233-3831
2. MICHAEL BYRON		(317) 233-2360
		(317) 234-1000
		(317) 232-8901
		mas (317) 685-8900
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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Frank O'Bannon Governor

Lori F. Kaplan Commissioner 100 North Senate Avenue P.O. Box 6015 Indianapolis, Indiana 46206-6015 (317) 232-8603 (800) 451-6027 www.state.in.us/idem

VIA CERTIFIED MAIL 7000 0600 0026 8293 7288

February 26, 2001

Mr. Larry Kane 2700 Market Tower 10 West Market Street Indianapolis, IN 46204-4900

Re:

Case No. 2000-9061-S

Dear Mr. Kane:

During the February 8, 2001, settlement conference held between IDEM representatives and representatives of R&M Enterprises, Inc., the issue of financial assurance for closure/post closure costs of the Feddeler Landfill was discussed. It was brought to IDEM's attention that R&M no longer had financial assurance. Julie Feddeler indicated R&M had made attempts to obtain a bond for closure/post closure costs, but were unable to do so.

I am requesting documentation demonstrating the steps that have been taken by R&M to obtain a financial assurance bond for closure/post closure costs associated with the Feddeler Landfill. Please send a letter documenting the steps taken to obtain financial assurance to:

Jennifer Andres
IDEM Office of Enforcement
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206

Please contact me if you have any questions.

Sincerely,

Jennifer Andres

 $Solid\ Waste-UST\ Section$

Office of Enforcement



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PILCHER PUBLISHING CO., IN Cleavest

LOWELL TRIBUNE

CEDAR LAKE JOURNAL SOUTHLAKE ADV

P.O. Box 248 116 Clark Street Lowell, IN 46356-0248

Phone: (219) 696-7711

Fax: (219) 696-7713

Mr. Jeff Sewell Indiana Dept of Environmentl Mgt PO Box 6015 Indianapolis, IN 46206-6015

January 19	2001	Legal Notice Public Notice - Proposed Lake County C&D Landfill Date published January 16,2001	\$ 69.	56
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Pursuant to the provisions and pena I hereby certify that the foregoing all just credits, and that no part of ti	account is just and cor he same has been paid.	ts 1953 rect, that the amount claimed	105/01
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all just credits, and that no part of the Date January 19 Claud-limate (22) Claud-limate (22) Claud-limate (22) ATTACH COPY®OF 3 ADVERTISEMENT	PUBLISHE State of Indiana SS Lake County Personally appeared is state, the undersigned is Publisher of the T printed and published and county aforesald, copy, which was duly date(s) of publication	rect, that the amount claimed Mary J. Plicher R'S AFFIDAVIT Defore me, a notary public in an il Mary J. Plicher who, being duine Lowell Tribune newspaper in the English language in the and that the printed matter att published in said paper for being as follows:	is legally due, after allowing Publisher Of general circulation town of Lowell in state ached hereto is a true 1 time(s), the

My commission expires: PEGGY CONSIDEROWSKI

MY COMMISSION EXPIRES 6-10-2007

LAKE COUNTY, INDIANA

Claim No. In the sum of \$ Allowed ON ACCOUNT OF APPROPRIATION FOR 1064871 IN FAVOR OF Warrant No. 2001

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

2001

That it is apparently

correct.

I have examined the within claim and hereby certify as follows:

LEGAL ADVERTISING TABLE SHOWING PRICE PER LINE AND PER INSERTION

That it is duly authenticated as required by law.

That it is in proper form.

That it is based upon statutory authority.

	Nu	mber of Ir	sertions	
Type Size _	1	2	3	4
5.5	0.408	0.609	0.813	1.014
6	0.374	0.559	0.745	0.930
6.5	0.345	0.516	0.688	0.858
7	0.320	0.479	0.639	0.797
7.5	0.299	0.447	0.596	0.744
8	0.280	0.419	0.559	0.697
9	0.249	0.372	0.497	0.620
10	0.224	0.335	0.447	0.558
12	0.187	0.279	0.373	0.465
Rate / Square	4.45	6.65	8.87	11.07

ME Super a colon

PT6166

NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT PUBLIC PARTICIPATION IN REVIEW OF SOLID WAS TE PERMIT

PIGEO FUELIC COMMENT PERIOD AND PUBLIC NEARMING MINIMA DEPARTMENT OF ENVIRONMENTAL MAN GENERAL PUBLIC PARTICIPATION IN REVIEW OF SOLD WAS "FERMIT PUBLIC PARTIC

address below:

Mr. Jeff Sewell

Indiana Department of Environmental Management 100 North Senate
Avenue P.O. Box 6915 (N1154) Indianapolis, Indiana 46206-6015

Avenue P.O. Box 6915 (N1154) Indianapolis, Indianapo

A830/10000 Form Prescribed by State Board of Accounts INDIANA DEPT OF ENVIRON MGT PT6166 POST-TRIBUNE 1433° 83RD AVE. MERRILLVILLE IN 46410-6307 Dr. (Government Unit) County, Indiana 1009 RROADWAY XGARX XND: X46402 XXX LAKE **PUBLISHER'S CLAIM** LINE COUNT Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equiva-Head — number of lines Body - number of lines Tail — number of lines Total number of lines in notice 200 Project: COMPUTATION OF CHARGES 1/25701 117.00 234.00 columns wide equals \$ 67.16 .2870 cents per line Additional charge for notices containing rule or tabular work (50 percent of above amount) Charge for extra proofs of publication CID LANDFILL LAKE COUNTY (\$1.00 for each proof in excess of two) 67.16 TOTAL AMOUNT OF CLAIM DATA FOR COMPUTING COST Width of single column 7.4 .. ems Size of type 5.5.... point Number of insertions ... Pursuant to the provisions and penalties of Ch. 155, Acts 1953, I hereby certify that the foregoing account is just and correct, that the amount claimed is Agally, due after allowing all just credits, and that no **CREDIT MANAGER** PUBLISHER'S AFFADAVIT State of Indiana Lake County Personally appeared before me a notary public in and for said county and state, R. A. MILLER being duly sworn, says that he is ... CREDIT MANAGER POST-TRIBUNE ATTACH COPY OF newspaper of general circulation printed and published in the English language in the city MERRILLVILLE in state and county ADVERTISEMENT XXXXX Tigin Barris aforesaid, and that the printed matter attached hereto is a true copy, which was duly published \$ c ... 1086.15 ு க. **dp & ρe**ε. க ∉, time . in said paper for ,the dates of publication being as follows L C C&D DEVLPMNT is regular in the 1/12 ere strong 🖭 :, which rese 🖟 👉 Subscribed and sworn to before me, this ra dia matematica. TOP A TOP IS DISTRIBUTED A 9. Bellind mar (C) My commission expires April 26,200

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In the sum of \$

<u>-</u>9

Allowed

On Account Of Appropriation For

1065 BROADWAY, GARY, IND. 46402

POST-TRIBUNE

certify as follows: I have examined the within claim and hereby

That it is in proper form.

Claim No. Warrant No.

IN FAVOR OF

That it is duly authenticated as required by law.

That it is apparently (correct) (incorrect) That it is based upon statutory authority.

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ördered by me and were necessary to the public business.

LEGAL ADVERTISING
TABLE SHOWING PRICE PER LINE AND PER INSERTION

190A

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7	.192	.288	.384	.480	.194	.292	.389	486	198	297	.396	495	.199	.299	398	.498	.204	.305	407	509
7.5	.180	.269	.359	.449	.182	272	363	454	185	277	.370	462	.186	.279	372	.464	190	285	380	475
8	.168	.252	337	.421	.170	.255	.341	.426	173	.260	.347	.433	.174	261	348	.436	.178	267	356	446
9	149	.224	299	.374	.151	.227	.302	.378	154	.231	.308	384	.155	232	310	.387	.158	.238	.317	396
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7	.210	.315	.420	526	.215	.322	.430	.537	.217	.326	434	.543	.224	.336	.447	.559	.226	339	.452	565
7.5	.196	.295	.393	.491	.201	.301	.401	.502	.203	.304	.405	.507	.209	.313	.418	.522	.211	317	422	.528
8	.184	.276	.368	.460	.188	.282	.376	.470	.190	.285	.380	.475	.196	.294	.392	.490	.198	.297	.396	495
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7.5	.275	.412	.549	.686	.285	.428	.570	.713	.296	.444	.591	.739	.306	.459	.612	.766	.317	475	634	.79
8	.257	.386	.515	.644	.267	.401	.535	.668	.277	.416	.554	.693	.287	.431	.574	.718	297	.446	594	74
9	.229	.343	.457	.572	.238	.356	.475	.594	.246	.369	.492	.615	.255	.383	.510	.638	.264	396	.528	.66
10	.206	.309	.412	.515	.214	.321	.428	.535	.222	.333	.444	.554	.230	.345	.459	.574	.238	356	475	.59
12	.172	.257	.343	.429	.178	267	356	.446	.185	.277	.370	.462	.191	.287	.383	.479	.198	297	.396	49

BINGHAM SUMMERS WELSH & SPILMANLLP Attorneys at Law

CC: Jeff Sewell Karyl Schn Kirsten Felts Steve Buck Shyamala Raman Bruce Pal Aaron Janstei Attorney Direct: 317-635-8901, Ext. 380

lkane@binghamsummers.com

November 1, 2000

VIA HAND DELIVERY

Mr. Thomas Linson, Chief Permits Branch Office of Land Quality Indiana Department of Environmental Management 100 N. Senate Avenue, Room 11th Floor Indianapolis, IN 46206-6015 RECEIVED

1 2000

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OFFICE OF LAND QUALITY

Re:

Permit Application for Construction/Demolition Waste Land Disposal Facility

West Creek Prairie, LLC

Lowell, Indiana

Dear Mr. Linson:

This responds to your recent letter to Robert Feddeler, president of West Creek Prairie, LLC ("West Creek Prairie"), concerning the pending solid waste facility permit application (the "Permit Application") submitted by West Creek Prairie to IDEM for a permit to construct and operate a construction/demolition waste land disposal facility on certain real property located near Lowell, Indiana. This letter also provides an update on significant developments concerning the Permit Application.

First, we wish to inform you that, by a certain Purchase and Sale of Assets Agreement executed on October 24, 2000, and closed today, October 31, 2000, Lake County C&D Development Partnership, an Indiana general partnership ("Lake County C&D"), which is a subsidiary of Allied Waste Industries, Inc., has purchased all rights and interest in the pending Permit Application from West Creek Prairie and has also purchased the real property associated with the Permit Application from West Creek Land, LLC. (West Creek Land is an affiliate of West Creek Prairie.)

Second, as may be inferred from the purchase by Lake County C&D of all rights and interest in the Permit Application, West Creek Prairie has no further interest in the Permit Application. Therefore, response to your proposal concerning future processing of the Permit Application must come from Lake County C&D. Sue Shadley, on behalf of Lake County C&D, agrees, pursuant to IC 13-15-4-7, to extend the remaining review time for the Permit Application to 90 days after the date that all supplemental application information is submitted to IDEM to provide a complete, revised application regarding the new applicant and the transfer of ownership of the real estate on which the land disposal facility would be located once a permit is issued.

Mr. Thomas Linson November 1, 2000 Page 2

While Lake County C&D questions the necessity of the extent of additional permit application review activities proposed in your recent letter, Lake County C&D does not object to that proposal.

Future communications concerning the Permit Application should be directed to either Terry Zona, of Allied Waste Industries, Inc. (regarding technical issues), or Sue Shadley, of Plews Shadley Racher & Braun (on legal issues). Mr. Zona may be contacted at Allied Waste Industries, Inc., 865 Wheeler Street, Crown Point, Indiana 46307, telephone: 219-662-8264. Ms. Shadley can be reached at the address and phone set forth below.

Please feel free to contact either of us if there are any questions concerning this matter.

Very truly yours,

Larry J. Kane

Attorney for West Creek Prairie, LLC

Bingham Summers Welsh & Spilman, LLP

2700 Market Tower

10 West Market Street

Indianapolis, IN 46204

(317) 635-8900 (telephone)

(317) 236-9907 (telefax)

Sue A. Shadley

Attorney for Lake County C&D

Development Partnership

Plews Shadley Racher & Braun

1346 N. Delaware Street

Indianapolis, IN 46202

(317) 637-0704 (telephone)

(317) 637-0710 (telefax)

cc: Mr. Jeff Sewell



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon Governor

Lori F. Kaplan Commissioner

October 27, 2000

100 North Senate Avenue P.O. Box 6015 Indianapolis, Indiana 46206-6015 (317) 232-8603 (800) 451-6027 www.state.in.us/idem

VIA CERTIFIED MAIL 7000 0520 0023 5047 40003

Robert Feddeler, President West Creek Prairie, L.L.C. 18501 Clark Road Lowell, Indiana 46356

Dear Mr. Feddeler:

Re:

Solid Waste Permit Application for the Proposed West Creek Prairie C/D Site

Lake County

In light of substantial changes to the West Creek Prairie permit application, including revised technical details, one failed attempt to sell all rights and interest in the proposed facility, and a pending second attempt to sell the proposed facility, the Indiana Department of Environmental Management (IDEM) believes that it is necessary to repeat the public participation process outlined in 329 IAC 10-12-1. The spirit and intent of this regulation is to provide the public with complete and accurate information regarding the entire permit application, and then solicit public comments on the application. While the letter of these requirements has been satisfied once, IDEM is seeking the cooperation of West Creek Prairie, L.L.C. in repeating these requirements in fairness to the public interest in this proposal.

It is IDEM's position that at the time West Creek Prairie, L.L.C. requests that the application review resume, the following activities relative to the public participation process be repeated:

- 1. The revised application should be complete and reflect all changes made to the application to date. While it is important to preserve the public record in this process, it is confusing to all parties to have an application that contains information that has been changed.
- 2. The owners of record of adjoining land should be notified of the substantial changes to the application, and that the application review has been restarted.
- 3. A complete copy of the application should be placed at the Lowell Public Library, and the Lake County Public Library. IDEM requests that you obtain a signed receipt from each library detailing the documents that they received to eliminate any doubt that this requirement has been completed.
- 4. Upon notification from IDEM that the application is complete, IDEM requests that West Creek Prairie, L.L.C. collaborate with IDEM on a joint public meeting and public hearing, as described in 329 IAC 10-12-1, to inform the public about the revised application, and respond to public comments on the application.
- 5. Concurrently with the public meeting, and public hearing, IDEM will hold a 30-day public comment period to receive written public comments.

As of January 11, 2000, when West Creek Prairie, L.L.C. requested that the application review be suspended, 342 of 365 days had lapsed from the review clock. The 23 days remaining will be insufficient to repeat the public participation process, or for IDEM to complete the review of a revised application. Consistent with the provisions of IC 13-15-4-7, IDEM requests West Creek Prairie, L.L.C.'s written agreement to extend the review time to 90 days from the date that a complete revised application is received by IDEM.

Thank you for your attention to these matters. If you have any questions, please contact Mr. Jeff Sewell, of our Office of Land Quality at (317) 234-1000, or toll free at (800) 451-6027, or by e-mail at jsewell@dem.state.in.us.

Sincerely.

Thomas Linson, Chief

Permits Branch

Office of Land Quality

Cc: Larry Kane, Esq.

Larry G. Emerson, P.E. Weaver Boos Consultants, Inc.

Lake County Health Department Lake County Commissioners

Lake County Solid Waste Management District

IDEM, Northwest Regional Office

Mr. Henry Kaszuba Mr. Martin Kroll Mr. Larry Stoccer

S. Andrew Bowman, Esq.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon Governor

Lori F. Kaplan Commissioner 100 North Senate Avenue P.O. Box 6015 Indianapolis, Indiana 46206-6015 (317) 232-8603 (800) 451-6027 www.state.in.us/idem

VIA CERTIFIED MAIL 7000 0520 0023 5051 6031

October 6, 2000

Mr. Robert Feddler Feddler/CD Site 18501 Clark Road Lowell IN 46356

Re:

Closure/Post-Closure Financial Assurance

Dear Mr. Feddler:

IDEM would like to remind you that inflation updates to your closure/post-closure financial assurance submissions are to be filed with this Agency on an annual basis, pursuant to 329 IAC 10-39-2(c). If you have not submitted a timely inflation update for the current year (or previous years), please do so at this time. Current updates are due within thirty (30) days after the anniversary of the original effective date of the establishment of financial responsibility.

If you have any questions in this matter, I may be reached at (317) 232-8901.

Sincerely,

Jeffrey W. Stevens

Senior Environmental Manager

Jeffreyw. Stevens

Office of Land Quality



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

Lori F. Kaplan Commissioner

100 North Senate Avenue P.O. Box 6015 Indianapolis, Indiana 46206-6015 (317) 232-8603 (800) 451-6027 www.state.in.us/idem

VIA CERTIFIED MAIL 7000 0520 0023 5046 6374

Feddler/CD Site Robert Feddler 18501 Clark Road Lowell, IN 46356

October 2, 2000

Re: Financial Assurance

Dear Mr. Feddler:

Please be advised that on May 31, 2000, Frontier Insurance Company lost its authority to issue bonds in Indiana when it was dropped from the list of acceptable sureties for bonds in Circular 570 of the United States Department of Treasury. If you utilize Frontier Insurance Company performance bonds to demonstrate financial assurance, please contact this Office in writing within the next thirty days to outline your plans to provide alternate financial assurance.

If you have any questions in this matter, I may be reached at 317/232-8901.

Sincerely,

Jeffrey W. Stevens

Senior Environmental Manager

Office of Land Quality

SENDER: Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that we card to you. Attach this form to the front of the mailpiece, or on the back if space permit. Write "Return Receipt Requested" on the mailpiece below the article The Return Receipt will show to whom the article was delivered and delivered.	ce does not 1. Addressee's Address cle number. 2. Restricted Delivery
3. Article Addressed to: 65-45-01 Feddler C/D Site Robert Feddeler 18501 Clark Road Lowell, IN 46356	4a. Article Number 1500 0500000-3 5846 C374 4b. Service Type Registered Express Mail Return Receipt for Marchandise 7. Date of Delivery
5. Received By: (Print Name) 6. Signature: (Addressee or Agent) PS	8. Addressee's Address (Only if requested and fee is paid) Receipt

	U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provide	ed)
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0520 0023 5046	Postage Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$ 33 U	7
7000	Feddler C/D Site Robert Feddeler 18501 Clark Road Lowell, IN 46356	ıctions



State of Indiana Dept of Environmental Management 100 N. Senate Avenue P.O. Box 6015 Indianapolis, IN 46206-6015

RE: R & M Enterprises, Inc 18501 Clark Road Lowell, IN 46356 \$351,241.72 Closure Bond 114042 RECEIVED

ß

MAY 23 2000

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OFFICE OF LAND QUALITY

Gentlemen:

Frontier Insurance Company, as Surety, executed the captioned bond on December 15, 1997.

Due to non-payment of premium, Frontier Insurance Company, requests cancellation under this bond; such cancellation to be effective one hundred twenty (120) days after receipt by you of this notice. 9(2)

We would appreciate your confirmation by just signing and dating the enclosing copy and returning to me. Thanks so much.

Very truly yours,

Frontier Insurance Company

By Kaymond M Hundley, Atty-in-Fact

RMH:mh

cc: R & M Enterprises, Inc

Føddeler



State of Indiana Dept of Environmental Management 100 N. Senate Avenue P.O. Box 6015 Indianapolis, IN 46206-6015

RE: R & M Enterprises, Inc 18501 Clark Road Lowell, IN 46356 \$351,241.72 Closure Bond 114042

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We would appreciate your confirmation by just signing and dating the enclosing copy and returning to me. Thanks so much.



State of Indiana Dept of Environmental Management 100 N. Senate Avenue P. O. Box 6015 Indianapolis, IN 46206-6015

RE: R & M. Enterprises, Inc 18501 Clark Road, Lowell, IN 46356 \$71,700 Post Closure Bond 114043

Gentlemen:

Frontier Insurance Company, as Surety, executed the captioned bond on December 15, 1997.

Due to non-payment of premium, Frontier Insurance Company, requests cancellation under this bond; such cancellation to be effective one hundred twenty (120) days after receipt by you of this notice.

We would appreciate your confirmation by just signing and dating the enclosed copy and returning to me. Thanks so much.

Very truly yours,

Frontier Insurance Company

By_
Raymond M. Hundley, Atty-in-Fact
RMH:mh
cc: R & M Enterprises, Inc
Bond 114043 dated December 15, 1997, issued by Frontier Insurance Company's liability has terminated.
DateDate

RECEIVED

State of Indiana Dept of Environmental Management 100 N. Senate Avenue P. O. Box 6015 Indianapolis, IN 46206-6015

MAY 23 2000

RE: R & M. Enterprises, Inc 18501 Clark Road, Lowell, IN 46356 \$71,700 Post Closure Bond 114043 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OFFICE OF LAND QUALITY

Gentlemen:

Frontier Insurance Company, as Surety, executed the captioned bond on December 15, 1997.

Due to non-payment of premium, Frontier Insurance Company, requests cancellation under this bond; such cancellation to be effective one hundred twenty (120) days after receipt by you of this notice.

We would appreciate your confirmation by just signing and dating the enclosed copy and returning to me. Thanks so much.

Very truly yours,

Frontier Insurance Company

RMH:mh

cc: R & M Enterprises, Inc



Indiana Office of Environmental Adjudication

Wayne E. Penrod Chief Administrative Law Judge

150 West Market Street Suite 618 Indianapolis, IN 46204 Telephone 317-232-8591 Fax 317-233-0851

STATE OF INDIANA COUNTY OF MARION))		BEFORE THE INDIANA OFFICE OF ENVIRONMENTAL ADJUDICATION
IN THE MATTER OF:)	
OBJECTION TO MODIFICA	ATION OF)	CAUSE NO. 98-S-J-2049
PERMIT NO. FP 45-08 R&M ENTERPRISES, INC.)	
LAKE COUNTY, INDIANA)	

FINAL ORDER OF DEFAULT

This constitutes notice of a Final Order of Default. Pursuant to IC 4-21.5-3-24, the Petitioner, R&M Enterprises, is hereby dismissed from this proceeding because it failed to respond timely to the Proposed Order of Default dated October 19, 1999.

You are further notified that pursuant to provisions of Indiana Code §4-21.5-7-5, the Office of Environmental Adjudication serves as the Ultimate Authority in administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This is a Final Order subject to Judicial Review consistent with applicable provisions of IC 4-21.5. Pursuant to IC 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

_ day of November 1999.

Inda C. Lasley

Administrative Law Judge

cc: Bruce Palin, Assistant Commissioner

Office of Solid and Hazardous Waste Management

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DEPARTMENT OF ENVIRONMENTAL MANAGEMENT SOLID & HAZARDOUS WASTE MANAGEMENT DEPARTMENT OF ENVIRONMENTAL MANAGEMENT SOLID & HAZARDOUS WASTE MANAGEMENT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Final Order of Default** has been duly served upon each party, attorney of record, or interested person listed below by first class United States mail, postage pre-paid this _____ day of November 1999:

Loraine Seyfried, Esq.
Office of Legal Counsel
Indiana Department of
Environmental Management
100 North Senate
P.O. Box 6015
Indianapolis, IN 46206

Larry J. Kane, Esq.
Bingham Summers Welsh & Spilman
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204-2982

Linda C. Lasley

Administrative Law Judge

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